IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

LETTERS PATENT APPEAL NO. 19 OF 2005
WITH
CIVIL APPLICATION NO. 45 OF 2005
IN
REVIEW PETITION NO. 13 OF 2004
IN
CIVIL APPLICATION NO. 1001 OF 2004
IN
A.O. NO. 640 OF 2004

M/s. Pramukh Development Corporation ....Appellants

Versus

Laxmi Industrial Estate and Ors. ...Respondents

Ms. Sindhu Shreedharan for the appellants.
Mr. B .R. Zaveri for respondent No.1.

CORAM: **DALVEER BHANDARI, C.J.** &
S.A. BOBDE, J.
DATE: **MARCH 31, 2005**.

P.C.

With the consent of both parties, the learned single Judge has passed the following order on 23rd July, 2004 in Civil Application No. 906 of 2004.

> " Both parties agree that during the pendency of this appeal no barricades would be put, however, deployment of security guards may be continued. It is clarified that deployment of security guards will not obstruct ingress and egress of the vehicles of the applicant/respondent in

> appeal. It is further clarified that pendency of this appeal shall not come in the way of trial court, if it decides to proceed with hearing of the notice of motion."

2. Against the above order, the appellant preferred a review petition which came up before the Court on 22nd December, 2004. The learned counsel for the appellant did not press the review petition and the review petition was accordingly disposed of with a request to the trial Court to dispose of the Motion as expeditiously as possible.

3. We have heard the learned counsel for the parties.

4. In the facts and circumstances of the case, we direct the Bombay City Civil Court at Bombay to dispose of the motion filed by the petitioner being Notice of Motion No. 2550 of 2004, after hearing the petitioner and the counsel for the first respondent.

5. In view of the above, nothing survives in this Letters Patent Appeal. The Letters Patent Appeal and the Civil Application are accordingly disposed of.

CHIEF JUSTICE

S.A. BOBDE, J.